

**BOROUGH OF LONGPORT COMMISSION MEETING
MUNICIPAL BUILDING, 2305 ATLANTIC AVE
LONGPORT, NJ 08403
WEDNESDAY, September 18, 2019 – 4:30 PM**

The meeting opened with the flag salute.

The meeting was called to order.

Municipal Clerk Kyle read the Opening Statement pursuant to the Open Public Meetings Act. *The following was added after the Opening Statement: “This meeting is being held at the same time and place as advertised with the exception that it is being held on the second floor of the municipal building. This is due to an unforeseen environmental constraint that prevents the use of Commission Chambers. A notice of the relocation to the second floor was posted on the borough website on Thursday, September 12, 2019, and on the bulletin board and door of Commission Chambers on Friday, September 13, 2019.*

ROLL CALL:	Nicholas Russo	present
	James P. Leeds, Sr.	present
	Daniel Lawler	present

Engineer Carter, Solicitor Agnellini, CFO Kelly, Chief Culmone, Beach Patrol Chief Kelm, and Municipal Clerk Kyle also in attendance.

Emergency exit/fire drill/ public speaking limit – Mayor Russo.

Proclamations – presented to the Longport Beach Patrol for the following events:

- 2019 South Jersey Lifeguard Championships
- 2019 Red Bull Surf and Rescue Competition

Commissioner Leeds also commended the Longport Beach Patrol for winning the Margate Memorial race.

Approval of minutes- Municipal Clerk Kyle requested a motion for approval of the minutes from the August 7, 2019, and August 21, 2019 Board of Commissioners Regular Commission Meetings. Commissioner Leeds made a motion, seconded by Commissioner Lawler to approve the minutes of the August 7, 2019, and August 21, 2019, Board of Commissioners Regular Commission Meetings. ALL AYES- none opposed.

Ordinances – Second Reading/ Public Hearing.

Number	Title
15	An Ordinance Amending Ordinance #95-05 – An Ordinance Providing for the Creation of the Position of Municipal Administrator, Fixing and Defining the Duties, and Qualifications thereof, and Fixing the Salary Range for the Aforesaid Position
Purpose	The purpose of this Ordinance is to amend certain sections of Ordinance #95-05

<p>Public Hearing</p>	<p>including the duties and hours of the Municipal Administrator.</p> <p>Mark Hyman of 4 N. 31st Avenue, requested that the Mayor withhold the second reading/ approval of this ordinance. He did not think it was necessary to have another \$74,000 staff position. Mr. Hyman noted that the borough has numerous department heads and professionals and that having an administrator could create potential future lawsuits. He requested that that the Mayor table the ordinance and meet with residents and others to discuss the position and what is going on in the borough that would require hiring an administrator. He said that the position should be placed out for bid in order to get the best qualified person at a lower salary. <i>Mayor Russo asked Solicitor Agnellini to comment on the administrator position. Solicitor Agnellini noted that the position has been in the Borough's Code since 1995. He said that there has been discussion over the years about hiring an administrator. He discussed the challenges of being able to conduct business where three commissioners can only discuss borough business at an open public meeting. He noted that having an administrator will help address day-to-day concerns that arise and will also create a more efficient structure for reporting to the governing body. Solicitor Agnellini noted that some members of the public have commented that the borough is not big enough to have a business administrator. He noted that the day-to-day operations are the same as in a large municipality and that he recommended hiring a municipal administrator.</i></p> <p>John Stroebele of 107 S. 26th Avenue, thanked the Governing Body and municipal employees for its assistance in the Wounded Warrior Program. He requested that the governing body table Ordinance 2019-15. He felt that the ordinance needed work and that the administrator would be an intermediary between the department heads and the Governing Body. He felt that it limited the department heads' ability to interact with the Governing Body. He also added that having an administrator diffuses authority and responsibility. He also said that the ordinance contained a 'golden handshake' in the ordinance. He said he that felt it removed the Governing Body from knowing what is going on with department heads. <i>Solicitor Agnellini addressed the 'golden handshake' comment and said that language is from the State statute that regulates the municipal administrator position.</i></p> <p>Joe DiLorenzo of 104 S. 12th Avenue stated that the same administration has been in place since 2008 and wanted to know why there was now a need to hire an administrator with only one year left in their term.</p> <p>Bob English of 130 N. 32nd Avenue discussed the issue with 'when two commissioners meet' that it becomes a quorum and subject to the Open Public Meetings law. He questioned if the number of commissioners could be increased to five to avoid that from happening. <i>Solicitor Agnellini discussed that the form of government might have to be changed. He also noted that commissioners are not elected to run government on a full-time basis. He noted that having an administrator can help organize and direct borough activity. He noted that in the past this was not done due to the perceived costs, but he</i></p>
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	<i>added that structurally having an administrator would be more efficient. He noted that the position has been discussed for the past 20 years.</i>
Motion	Motion – Mayor Russo, seconded by Commissioner Lawler to approve Ordinance #O2019-15.
Roll Call Vote	Mayor Russo - Yes Comm. Leeds – Yes Comm. Lawler - Yes. ALL AYES. None opposed.
16	An Ordinance Amending 2019-04 – An Ordinance Authorizing the Salaries, Wages and Compensation in Year 2019 for Employees Not Covered by Previous Ordinance or Union Contracts
Purpose	The purpose of this Ordinance is to amend the compensation from salary to hourly for the position of the Municipal Administrator.
Public Hearing	No one wished to speak.
Motion	Motion - Commissioner Leeds, seconded by Commissioner Lawler to approve Ordinance #O2019-16.
Roll Call Vote	Mayor Russo - Yes Comm. Leeds – Yes Comm. Lawler - Yes. ALL AYES. None opposed.

Ordinances – First Reading/ Introduction of the listed ordinances. The Second Reading and Public Hearing is scheduled for October 23, 2019 at 4:30 pm.

Number	Title
17	An Ordinance Amending Chapter 167 – Zoning of the Code of the Borough of Longport, Atlantic County, New Jersey, As It Pertains to Building Connections and Pool Walkways
Purpose	The purpose of this Ordinance is to amend subsections of Chapter 167 of the Code of the Borough of Longport including Subsection 167-12 D - not allowing connections between principal structures and accessory structures. It also adds Subsection 167-26 providing that the exterior of any continuous pool walkway must meet setback requirements for patios as established in the respective Zoning District Regulations.
Motion	Motion – Commissioner Leeds, seconded by Mayor Russo to introduce Ordinance #O2019-17.

All in Favor	ALL AYES. None opposed.
18	An Ordinance Authorizing Salaries, Wages and Compensation for Members of the Longport Policemen’s Benevolent Association.
Purpose	The purpose of this Ordinance is to authorize salaries, wages and compensation for members of the Longport Policemen’s Benevolent Association for the years 2019, 2020, 2021 and 2022.
Motion	Motion – Mayor Russo, seconded by Commissioner Lawler to introduce Ordinance #O2019-18.
All in Favor	All AYES. None opposed.
19	An Ordinance Amending Chapter 161 – Vehicles and Traffic of the Code of the Borough of Longport, Atlantic County, New Jersey
Purpose	The purpose of this ordinance is to change the direction of travel of a portion of Sunset Avenue between 32 nd Avenue to 33 rd Avenue to East.
Motion	Motion – Commissioner Lawler, seconded by Commissioner Leeds to introduce Ordinance #O2019-19.
All in Favor	ALL AYES. None opposed.

Public Comment on listed resolutions:

James Hammerstedt of 111 N. Evergreen commented on Resolution #R2019-107 Authorizing Vehicles on Beach During the Atlantic County/ Atlantic City Surf Fishing Derby, he had questions and comments regarding an online newspaper article, as he would like to know what happened since the workshop on 9/5/19 when the resolution was first discussed. He noted that when he read the police chief’s comments he found it difficult to believe that the community would go against the recommendation of the police chief. He discussed several quotations by Mayor Russo reported in an online newspaper, and noted that he was insulted by some of the Mayor’s remarks. He said that having vehicles on the beach was a convenience, not a matter of access. He noted that the borough has plenty of access to the beach. He also discussed the financial impact on borough, including costs for overtime, and any fees collected. He questioned if there was a financial plus to Longport. He said he would like to see a full-cost estimate to be included as part of the event. Mr. Hammerstedt noted that according to municipal ordinance, he can’t walk his dog on beach until October 1, but the borough is going to allow vehicles to drive on beach? He said he thought it would be a financial cost to the people of Longport. He noted that all the borough’s professionals and the Commissioners were not supportive of the resolution, with the exception of the Mayor. He stated that he was part of the Longport Citizens Alliance, and that he found it amazing that citizens have to hire lawyers, and attend meetings to know what is occurring in the borough. He was against permitting vehicles access to the beach.

Solicitor Agnellini stated that there was discussion at the previous meeting regarding a resolution. He noted that any one of the commissioners can add a resolution to the agenda.

Ed Berger of 9402 Amherst Avenue of Margate, NJ, Co-chairmen of the fishing derby event and President of the Margate Business Association, came to speak in support of allowing vehicles access to the beach during the fishing derby. He said that the derby has been an ongoing event for the past 40 years. He noted that several neighboring communities participate in the event including Margate, Ventnor, Atlantic City, and Brigantine. He discussed the fishing derby including how it works and why vehicle beach access is requested. He said that left over monies from fees collected are donated to charities, including some local PBAs. He said that the cost to municipalities is minimal. He noted that with wider beaches that being able to drive a vehicle on the beach is very beneficial to participants. He hoped that Longport would join with other municipalities to allow vehicles on the beach. He stated that permits could be revoked at any time by the police department. He said that in Margate, no vehicle access permits had to be revoked. He also stated that fisherman are stewards of the beach and clean up after themselves. He also said that Longport's neighboring community Margate, benefits from the derby and he hoped that the Governing Body would consider allowing vehicle access. He noted that it would benefit older anglers and those with young children.

Glenn Zuck of 1105 Atlantic Avenue said that his concern was not the fishermen, as he himself is a fisherman, but that he was mainly concerned with public safety and environmental issues. He noted that the beach was too narrow in the south and center of the beach and that allowing vehicles would negatively affect the beaches and dunes. He noted that other communities have designated areas that are wider. He provided examples of municipalities that have designated areas for fishing. He suggested that maybe a certain area could be designated for the derby, possibly the northern section of the beach. He shared his concern that some of the drivers would be doing "doughnuts" and other "wild stuff" on the beach. He was concerned with people getting stuck on in the sand. He wanted to know who is going to rescue the stranded vehicles? He said that pressure should not be placed on the police or fire departments to rescue the stuck vehicles. He was also concerned with crime as people would now have access to beach homes. He was against allowing four-wheel drive vehicles on the beach.

Joe DiLorenzo of 104 S. 12th Avenue stated that during the month of June the police department responded to more than 1,300 calls for service, adding that police department is currently understaffed with limited resources. He questioned if the police department has to now patrol the beach who is going to pay for the overtime? He also said that the resolution was too generic, adding that if it had been written differently he might be in favor of Resolution 2019-107, but as it is written he was against it.

Quinton Wright, President of Longport PBA 363, stated that the Longport PBA stands behind Chief Culmone and his reasons for not allowing four-wheel drive vehicles access to the beach. He added that there are a number of concerns that still need to be addressed.

Larry Magid of 1801 Beach Terrace, noted he is a Longport resident for more than 30 years. He said that he has no issue with the fishing tournament or fishermen. He noted some of the things that he has seen in the past with the derby, included fishermen not having dogs on a leash, and beer drinking, but added that he had no issue with either of these scenarios. Although, he recalled that one day during the tournament he had an instance with a big truck speeding on the beach. He also noted a large dog defecating on the beach and that he took to the time to provide the fisherman with a doggie bag to clean up after the dog, he remarked that the fisherman was not very friendly. He also recalled a

speeding SUV on the beach that he was almost hit by and that in order to get of the way, he ended tripping in a rut. He was concerned for the safety of the young children on the beach. He had the following questions including: where are the participants going to bathroom? He also wanted why the same rules don't apply to all, for example: why can fishermen drive their vehicles on the beach, but he can't.

Greg O'Connell of Mays Landing and the NJ Recreational Fishing Alliance of New Gretna, noted that in the past he received several complaints about limited parking at the Longport inlet area. He echoed Mr. Berger's comments in support of the derby event. He urged the commissioners to allow vehicles on the beach. He noted that the walk from Atlantic Avenue, in addition to the wider beaches was too far to walk for the fisherman. He noted that if anyone was breaking the rules the police department should write citations and revoke those fishermen's permits. He noted that the south end of Longport is one of the best places to fish. He acknowledged the chief's concerns regarding beach erosion. He said as a father of three kids he always struggling to get them to put down their electronic devices; however, they are all willing to go fishing. He noted that he would like to bring his children to Longport to fish. He thought it would be an economic benefit to Longport and surrounding communities.

Don Brown of 25 S. Madison Avenue, Margate, also Co-Chairman of the fishing derby discussed the charitable donations that the derby has made to numerous local foundations and organizations. He said that volunteers run the organization. He noted that money that is not used for prize money is donated back to the community.

Doug Farrell of 16 S. 32nd Avenue, said that the beach season is not over. He said he still swims every day and plans to do so well into October. He noted that there was no one from Longport advocating for the passage of the fishing derby resolution. He said that the borough should trust the police chief's position. He was supportive of fisherman, but was not supportive of having vehicles on the beach.

Ms. Magid of 1801 Beach Terrace said she agreed with everything pertaining to not having vehicles on the beach. She added that on a regular basis she sees beach goers taking lots of items to the beach without a vehicle and that it should be the same for the fishermen.

Marc Hurvitz of 9 S. 30th Avenue noted that the police chief issued a report that addressed safety concerns with allowing vehicles on the beach. He said that he hasn't heard anyone speak about the issues raised by Chief Culmone. Mayor Russo noted that he would address these issues once the public had finished speaking. Mr. Hurvitz noted that he is a litigator and that when he hears about safety issues being raised and the borough still accepting liability despite the chief's concern, he would like to have that case. He asked about what has the borough done to protect itself from any issues that may occur. He noted that mixing cars and alcohol on the beach was a dangerous mix. He was against allowing vehicles on the beach.

Robin Scott owner of Ray Scott's Dock of Amherst Avenue in Margate, stated that she felt fishing was a healthy activity for kids to participate in and that it helps to keep them from engaging in dangerous activities such as opioid abuse. She said that Downbeach is a three-town island and that the communities should all work together. She added that she is an ambulance driver for Longport. She noted that many of the people who serve in Longport are from other communities. She asked that they share the beach for the eight weeks that the event runs. She noted that the Wounded Warrior would not have been able to walk over the dunes without the help a four-wheel drive vehicle. She was in favor of the allowing vehicles access to the beach.

Veronica Iezzi of 3101 Monmouth Avenue stated she was totally against allowing fishing on the beach, and especially with vehicles.

Eileen Bergman of 413 N. Somerset Avenue in Ventnor said she was in favor of allowing vehicles access to the beach. She noted that she and her husband had run the tournament for 16 years before turning it over to the new co-chairmen. She also felt that providing beach access would help boost Borough beach tag sales.

Mayor Russo responded to several comments made at today's meeting and at past meetings. He noted that he asked Chief Culmone for his opinion and that he respects his opinion. He noted that several things had changed since the last meeting. He noted that the NJ Department of Environmental Protection was OK with allowing vehicles to access the beach. He also addressed concerns about protected wildlife, explaining that driving vehicles is not considered a permit structure and that endangered species do not currently live on Longport's beaches. He also discussed vehicles getting stuck in the sand, and that it would be the owner's responsibility to have the car removed. He also had a letter from Fire Chief Clayton stating if the stranded vehicle was a public safety concern that the fire department would help remove the vehicle. He also noted that he loved Longport, too, and that he would not want to allow something that would be a serious safety concern. He said regarding what does Longport get out of the derby, he said that Longport receives numerous tax dollars to help pay for damages during storms. He noted that Longport relies on its neighbors for numerous services such as a gas station, a hospital and supermarket, etc. He said he was also concerned with Longport appearing as an elitist community. Mayor Russo also stated that he believed fishing was a healthy past time and he noted that the State sees it that way, too. He also shared his concern about those with disabilities or the elderly having a difficult time accessing the beach in order to fish, stating that he felt that it was discriminatory not to allow vehicles access to the beach. He said that the Wounded Warrior would not be able to access the beach without the use of a four-wheel drive vehicle. He noted that he was in favor of allowing four-wheel drive vehicles on the beach. He said that he appreciated everyone coming out to the meeting today to express their feelings on this issue.

Commissioner Lawler said that when the issue first came up at the previous meeting he wasn't sure how he felt about the issue as he did not have much information about it. He noted that this would be a good example of how a municipal administrator would have been beneficial to the Governing Body as they could have provided more information on the topic. He noted that in the last two weeks he has had numerous people approach him on the issue both for and against. He said that the Governing Body was elected to serve the people of Longport. He noted that he did not hear from one person that was from Longport that spoke in favor of allowing four-wheel drive vehicles on the beach.

Commissioner Leeds noted that he has not changed his opinion since the last meeting. He noted he is concerned about the vehicles on the beach, not the people. He noted that approximately three or four years ago, he had observed that vehicles were speeding excessively on the beach. He also discussed the slope of the dunes, which could make it difficult for the vehicles to get back over the dunes. He was also concerned about vehicles getting stuck in the sand. He noted that the beach is much quieter and that people can now relax and enjoy the beach. He noted that the street ends will soon be open for parking. He addressed the Mayor's comments about federal funds and he noted that they are not keeping people off the beaches, just vehicles. He also noted that he agrees with everything discussed in the police chief's report and that he was not in favor of allowing vehicles on the beach.

RESOLUTIONS

Number	Title
2019-104	A Resolution Proclaiming October 6, 2019, as Knock Out Opioid Abuse Day MOTION - LAWLER, SECOND- LEEDS, All AYES- none opposed.
2019-105	A Resolution Authorizing Execution of a Contract Between the Borough of Longport and the New Jersey State Policemen’s Benevolent Association Local No. 363 MOTION – RUSSO, SECOND – LAWLER, ALL AYES – none opposed.
2019-106	A Resolution Authorizing a Chapter 159 – Budget Insertion for the Drunk Driving Enforcement Fund MOTION-LEEDS, SECOND-LAWLER, All AYES- none opposed.
2019-107*	A Resolution Authorizing Vehicles on the Beach During the Atlantic County/ Atlantic City Surf Fishing Derby MOTION to WITHDRAW -RUSSO, SECOND- LAWLER, All AYES- none opposed. <i>*Resolution Withdrawn.</i>

BILL PAY LIST& FINANCIAL SUMMARY REPORT

Commissioner of Finance and Revenue, Jim Leeds, Sr., asked if there were any questions on the bill pay list of September 18, 2019. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR- ALL AYES. NONE OPPOSED.

Commissioner of Finance and Revenue, Jim Leeds, Sr., read the Financial Report Summary into the record asked if there were any questions on the report. There were none. MOTION – LEEDS, SECOND – LAWLER. ALL IN FAVOR- ALL AYES. NONE OPPOSED.

COMMISSIONERS REPORTS:

MAYOR RUSSO

Mayor Russo requested that the Engineer’s Report be presented at this time.

ENGINEER’S REPORT

Engineer Carter discussed that during the power relocation project, that the elevator lost power due to a connection in the crawl space that had suffered decay. He noted that a new power line was needed and that it would be placed on the third floor to keep it out of harm’s way for a cost \$9,590 and that the cost would not require a change order.

Engineer Carter said that he had received three proposals for the HVAC Unit in Commission Chambers. He said that one of the proposals was for approximately \$12,000 and he would like to move forward with that if the governing body was agreeable. Mayor Russo noted that he received an email about affordable housing, and asked if Engineer Carter could look at it and make a recommendation.

SOLICITOR'S REPORT

Solicitor Agnellini said he received several comments from a Longport citizens group regarding the street-end easement ordinance and that there were a few language items he needed to discuss with them. He hoped to have a draft of the ordinance ready for the next workshop.

COMMISSIONER LEEDS

Commissioner Leeds noted that the Borough received its Storm Ready certification from the Department of Commerce and he complimented Mr. Funk and his staff for its work in attaining the certification.

Commissioner Leeds discussed an upcoming Public Access webinar hosted by the NJ Department of Environmental Protection on Monday, Sept. 23 and requested that the Borough have representation at this webinar. Solicitor Agnellini noted that someone would be attending on behalf of the Borough.

COMMISSIONER LAWLER

Nothing further to report.

PUBLIC COMMENT

Joel Goldman of 108 S. 14th Avenue said that he has been a year-round resident for 21 years and that this is the first time he is proud to attend a meeting. He thanked Commissioner Lawler, Commissioner Leeds, and Mayor Russo for stepping up to the plate for the citizens of the Borough of Longport.

There was no further comment from the public.

ADJOURNMENT

MOTION- LAWLER, SECOND-LEEDS. All AYES- none opposed.

(6:05 pm)